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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/172,362    10/14/98    DEZONNO

A    96RSS017.075

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WM01/0327

EXAMINER

AGDEPPA, H

ART UNIT

PAPER NUMBER

2642

DATE MAILED:

03/27/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/172,362

Applicant(s)

DEZONNO, ANTHONY J.

Examiner

Hector A. Agdeppa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 2, 4-11, 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Vilsoet et al. (U.S. Patent Number: 5,546,456).

3. Regarding claims 1 and 10, Vilsoet et al. discloses a method of processing calls in an automatic call distributor (Fig. 1), such method comprising the steps of: learning a set of desired resource relationships for servicing a plurality of call processing load conditions in the automatic call distributor (column 4, lines 53 to 58); and distributing resources of the automatic call distributor based upon call processor loading and the learned set of resource relationships (column 4, lines 32 to 52).

4. Regarding claims 2 and 11, Vilsoet et al. discloses all the limitations as set forth in claims 1 and 10. Vilsoet et al. further discloses the method of processing calls wherein the step of distributing resources further comprises adjusting a ratio of inbound calls to outbound calls based upon the operating level of the automatic call distributor (column 5, lines 42 to 55).

5. Regarding claims 4 and 13, Vilsoet et al. discloses all the limitations as set forth in claims 1 and 10. Vilsoet et al. further discloses the method of processing calls wherein the step of learning the set of desired resource relationships further comprises

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determining a number of call that have been answered and are in a queue waiting to be assigned to an agent (column 5, lines 20 to 29).

6. Regarding claims 5 and 14, Vilsoet et al. discloses all the limitations as set forth in claims 1 and 10. Vilsoet et al. further discloses the method the method of processing calls wherein the step of learning the set of desired resource relationships further comprises determining a number of available agents (column 8, line 46).

7. Regarding claims 6 and 15, Vilsoet et al. discloses all the limitations as set forth in claims 1 and 10. Vilsoet et al. further discloses the method of processing calls wherein the step of learning the set of desired resource relationships further comprises determining an average call waiting time of a call in a call queue (column 7, lines 5 to 7).

8. Regarding claims 7, and 16, Vilsoet et al. discloses all the limitations as set forth in claims 1 and 10. Vilsoet et al. further discloses the method of processing calls wherein the step of learning the set of desired resource relationships further comprises determining an average call waiting time of a call for each group of a plurality of agent groups of the automatic call distributor (claim 2).

9. Regarding claims 8, and 17, Vilsoet et al. discloses all the limitations as set forth in claims 1 and 10. Vilsoet et al. further discloses the method of processing calls wherein the step of learning the set of desired resource relationships further comprises determining a number of calls in a call queue for each group of a plurality of agent groups of the automatic call distributor (claim 4).

10. Regarding claims 9, and 18, Vilsoet et al. discloses all the limitations as set forth in claims 1 and 10. Vilsoet et al. further discloses the method of processing calls

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wherein the step of learning the set of desired resource relationships further comprises determining an average waiting time between call arrival at the automatic call distributor and call acceptance ( column 7, lines 1 to 13 , and column 8, lines 37 to 47).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 19, 20, and 22 - 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilsoet et al. (U.S. Patent Number: 5,546,456).

Vilsoet et al. discloses all the limitations as set forth in claims 1 and 10 and their respective dependent claims have been discussed above. However, Vilsoet et al. does not disclose a neural network.

However, as admitted by Applicant and as seen in Bigus et al. (U.S. Patent Number 5,155,763) and Donnelly (U.S. Patent Number 5,864,617), neural networks are well known in the art as being used in telecommunications networks. Therefore, it would have been an obvious design choice to one skilled in the art to have the system and method taught by Vilsoet et al. implemented in a neural network setting in place of a conventional switching/data network.

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13. Claims 3, 12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilsoet et al. (U.S. Patent Number: 5,546,456) in view of Corduroy et al. (U.S. Patent Number: 5,978,465).

14. Vilsoet et al. discloses all of the limitations as set forth in claims 1, 10, and regarding claim 19 has been discussed above. However, Vilsoet et al. does not disclose the method of processing calls as in claim 1 wherein the step of distributing resources further comprises reassigning an agent of a first group to a second group. Corduroy et al. discloses the method of processing calls as in claim 1 wherein the step of distributing resources further comprises reassigning an agent of a first group to a second group (Fig. 2, 44 and 46). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Vilsoet et al. with the addition teaching of Corduroy et al. because it would provide a system for automatically allocating call center resources , without requiring intervention by a supervisor (column 2, lines 2 to 7).

### ***Response to Arguments***

Regarding claims 1 – 18, Examiner believes original rejections to be valid. Vilsoet et al. teaches a predictive dialing system and method and as noted in Col. 5, line 55 – Col. 7, line 13 for further clarification, information is gathered real time and used by the system in determining pacing and predictive calling. It is inherent that since this system and method can change and adapt its response or call processing activity according to that real-time data, it can be considered to learn. Furthermore, as the

above argument points out, the system and method of Vilsoet et al. is not static as argued by Applicant. The arguments regarding claims 19 – 24 are moot in view of the new rejection discussed above.

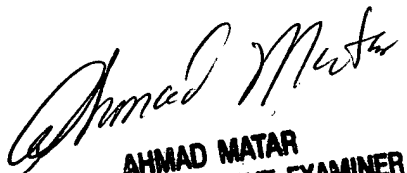
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 703-305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5403 for regular communications and 703-308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.  
March 23, 2001

  
**AHMAD MATAR**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**